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destructive bone disorders, reperfusion/ischemia in stroke, myocardial ischemia, renal ischemia, cardiac hypertrophy, rheumatoid arthritis, inflammatory bowel disease, ulcerative colitis, or Crohn's disease in a patient, said method comprising administering to said patient a composition according to claim ~~66~~¹⁹

REMARKS

Applicants acknowledge with appreciation the Examiner's statement that claims 4-12, 15, 24-25, 38, 46-48, 62, 64 and 66 are allowed. Applicants further acknowledge the Examiner's statement that claims 27 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have canceled claims 30-33 and 35-37 and have amended claims 26, 28, 34, 63, 65, and 67 to delete reference to certain diseases. Applicants have amended claims 26, 63, 65, and 67 to recite a method of treating the inflammatory diseases rheumatoid arthritis, inflammatory bowel disease, ulcerative colitis, and Crohn's disease. Support for this amendment appears, e.g., in the specification at page 53, line 25 to page 54, line 2 and in former claim 28. Applicants make these amendments solely to expedite prosecution and reserve the right to pursue any cancelled subject matter in applications claiming benefit herefrom.

None of these amendments adds new matter.

The Rejections

35 U.S.C. § 112, First Paragraph

L Claims 26, 28, 30-37, 63, 65 and 67 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement. Specifically, the Examiner contends that

the specification, while being enabling for the treatment of various diseases including inflammatory diseases such as rheumatoid arthritis, and destructive bone diseases, does not reasonably provide enablement for treating infectious diseases, proliferative diseases, neurodegenerative diseases, and viral diseases.

The Examiner states that while applicants submit that "proliferative diseases" and "viral diseases" have been deleted, there was no instruction to cancel claims 30 and 32 in applicants' response filed September 5, 2002. Applicants' failure to cancel claims 30 and 32 was inadvertent, and accordingly, applicants have directed the cancellation of these claims herein, thus obviating this aspect of the rejections.

The Examiner further contends that the references submitted with applicants' response filed September 5, 2002 "do not show any support to establish the link for many of the diseases recited in the claims." More specifically, the Examiner contends that applicants "did not provide any argument in support for the recitation of the terms 'neurodegenerative diseases,' 'infectious diseases,' etc."

Applicants disagree that the response filed September 5, 2002 and references cited therein do not provide support for the diseases recited in the claims. However, to expedite prosecution, applicants have canceled claims 30-33 and 35-37 and have amended claims 26, 28, 34, 63, 65, and 67 to delete reference to certain diseases that the Examiner contends are not enabled, thus obviating these rejections.

For the above reasons, applicants request that the Examiner withdraw these rejections. Applicants respectfully submit that amended claims 26, 28, 34, 63, 65, and 67 submitted herewith are allowable.

35 U.S.C. § 112, Second Paragraph

Claims 30 and 32 stand rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner states that methods for treating "proliferative disease" in claim 30 and "viral disease" in claim 32 lack sufficient antecedent basis in claim 26 on which claims 30 and 32 depend. As discussed above, applicants have cancelled claims 30 and 32, thus obviating these rejections.

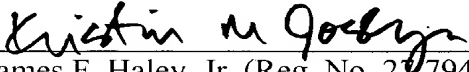
The Objections

Claims 27 and 29 stand objected to as being dependent upon a rejected base claim. As discussed above, applicants have amended claim 26, from which claims 27 and 29 depend, to delete reference to certain diseases that the Examiner contends are not enabled, thus obviating this objection. Applicants respectfully submit that claims 27 and 29 are therefore allowable.

Conclusion

For the reasons set forth above, applicants respectfully request allowance of claims 4-12, 15, 24-29, 34, 38, 46-48 and 62-67. If the Examiner believes a telephonic interview would be helpful, he is invited to call applicants' attorney or agent at any time.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Karen E. Brown (Reg. No. 43,866)
Kristin M. Joslyn (Reg. No. 47,692)
Agents for Applicants
FISH & NEAVE (Customer No. 1473)
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax: (212) 596-9090